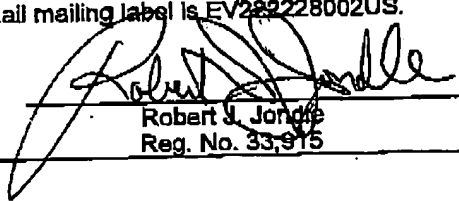


<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	Application Number	09/140,886
	Filing Date	August 26, 1998
	First Named Inventor	Herbert M. WILSON
	Group Art Unit	1638
	Examiner Name	D. Fox
	Attorney Docket Number	1205-003
Title of the Invention: <b>Transgenic Plants</b>		

COPY

### CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 18<sup>th</sup> day of March 2005. The number of the Express Mail mailing label is EV282228002US.

  
Robert J. Jondle  
Reg. No. 33,915

### DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner of Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

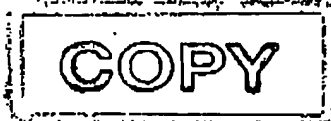
Sir:

I, Herbert M. WILSON, of 1915 Stevenson Drive, Ames, Iowa 50010, hereby declare that:

I graduated from University of Leicester (United Kingdom) in 1975 with a Ph.D. in Plant Cell Biology.

I was employed by Pfizer, Inc., from 1982 to 1986, where I was a senior scientist in the Plant Genetics Department.

I was employed by ICI Seeds, Inc., from 1986 through 1994, where I was Cell Biology Project Leader.



Since 1995, I have been employed by Stine Seed Company as Director of Stine Biotechnology.

I am a co-inventor of the invention described and claimed in the above-identified application and am familiar with the Final Office Action dated November 19, 2004, in which the Examiner requests the origin, the pre-transformation, and the post-transformation traits (including multiple ears and retention of other elite characteristics) of the photographed corn plants shown to the Examiner during the interview of November 17, 2004 and submitted with this Declaration.

The photographed corn plants are transformed regenerates of Stine inbred 963. The plants shown in Figures 1 and 2 (B375-3 and B395-7 respectively) were produced using the aerosol beam injector (U.S. Patent No. 6,809,232) and selected on glyphosate. They contain the sorghum fragment M5 which is about 100 kb in length. The DNA fragment was protected with poly-L-lysine during beaming by the method described in U.S. Patent application 10/770,855.

The pre-transformation traits of the photographed corn plants consisted of plants with two ears per plant of Stine inbred 963.

The post-transformation traits of the photographed corn plants consisted of more than two ears per plant.

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3/18/05

H. M. Wilson  
HERBERT M. WILSON